

MINUTES

**MONTANA SENATE
58th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY

Call to Order: By **CHAIRMAN JERRY O'NEIL**, on February 10, 2003 at 3 P.M., in Room 317-A Capitol.

ROLL CALL

Members Present:

Sen. Jerry O'Neil, Chairman (R)
Sen. Duane Grimes, Vice Chairman (R)
Sen. John C. Bohlinger (R)
Sen. Brent R. Cromley (D)
Sen. Bob DePratu (R)
Sen. John Esp (R)
Sen. Dan Harrington (D)
Sen. Trudi Schmidt (D)
Sen. Emily Stonington (D)

Members Excused: None.

Members Absent: None.

Staff Present: Dave Bohyer, Legislative Branch
Andrea Gustafson, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted:
Executive Action: SB 181
SB 190

EXECUTIVE ACTION ON SB 181

Motion/Vote: SEN. JOHN ESP moved that SB 181 BE INDEFINITELY POSTPONED. Motion carried 8-1 with SEN. BRENT CROMLEY voting no.

EXECUTIVE ACTION ON SB 190

SEN. JOHN BOHLINGER MOVED DO PASS SB 190 and MOVED TO AMEND SB 190.

SEN. BOHLINGER, SD 7, Billings provided the committee with 12 changes for SB 190 in amendment SB019002.abd. **EXHIBIT**(phs29a01)

Discussion:

SEN. BOHLINGER explained the changes. He reminded the committee members of the number of proponents who were made up primarily of dental hygienists, including some who represented segments of the population whose dental needs were not being served. The opponents of the bill were mainly dentists who felt that parts of the hygienists expansion might be unsound. SEN. BOHLINGER said the dentist and hygienists met together and came up with a compromise. The amendments do not completely satisfy the hygienists or the dentists, but would allow for the changes seen in SB019002.abd.

SEN. JOHN ESP, SD 13, Big Timber, asked how a public health facility was licensed, such as a hospital, nursing home, or extended care facility. SEN. BOHLINGER did not know the answer to that and referred it to those present who did have that information.

Ms. Rae Olson, MT Dental Hygienists Association, said the Board of Dentistry would have to define what a public health facility would be.

SEN. ESP said he would probably vote for the bill as amended but would be checking on that information before the bill hit the floor.

SEN. ROBERT DEPRATU, SD 40, Whitefish, believed there was a real need for the hygienists, but recognized the need for a certain amount of supervision. He commended the two groups for coming together and making the effort to come to some kind of resolution.

SEN. BRENT CROMLEY, SD 9, Billings, commended the groups as well, but had some concerns about striking the detention centers. **SEN. BOHLINGER** said his preference was to leave the detention centers in the bill. He asked if **Ms. Mary McCue, MT Dental Association**, would respond to that and any other changes shown in the amendment.

Ms. McCue said the dentist who serves at the prison, was present for SB190's hearing. He expressed concerns to **Ms. McCue** about having dental hygienists practicing there. She said the prison and detention centers were not as much an issue to the Board of Dentistry as was hospitals. She noticed "hospitals" was not deleted and said that was part of the agreement between the Board of Dentistry and the hygienists. **Ms. McCue** said speaking off the cuff, and not being able to go back to the board members, she did not think they would have an objection if it was to be put back in the bill. She addressed **SEN. ESP's** question regarding other public health facilities. She said both groups agreed there might be other entities where the dental hygienists' services may be appropriately provided. She said they would go to the Board of Dentistry to expand through the rulemaking process to figure out more areas where services might be provided.

SEN. BOHLINGER wondered if one reason "hospitals" and "detention centers" were stricken, was because it was a short term stay.

SEN. CROMLEY said he was not thinking of the county detention center, but of the women's prison where the Department of Public Health provides services.

SEN. DUANE GRIMES, SD 20, Clancy, asked if **SEN. CROMLEY** wanted to put detention centers back in the bill. **SEN. CROMLEY** said he would, and it looked like there was a lot of support for this. He thought they could pass the amendment and then offer an additional amendment to reinsert "detention centers."

SEN. TRUDI SCHMIDT, SD 21, Great Falls, pointed out that although "detention centers" was stricken, on page 2 line 2, it states "public institutions under the department of public health and human services or the department of corrections" remains. She wondered if that would take care of **SEN. CROMLEY'S** concerns.

SEN. GRIMES asked **Mr. Dave Bohyer, Research Director, Legislative Services Division**, if he would answer that. **Mr. Bohyer** said he thought that was stricken, and that it was supposed to be. **SEN. CROMLEY** and **SEN. SCHMIDT** pointed out that it was still there.

SEN. DEPRATU asked **Ms. Olson** what her comments were on the detention centers being stricken. **Ms. Olson** said they were removed because Department of Corrections asked for it to be removed.

SEN. DEPRATU asked for further comment from **Ms. McCue**. **Ms. McCue** said she still had a problem with the way the subsection was written. The attempt was to put it back to the way it was presently. She said it still reads in subsection(b) of three different categories where hygienists could practice. She said the intent of the board was to have only two. She said they needed to go back to present law which states "a licensed dental hygienist with the permission of a supervising dentist, may practice in the office of a licensed and actively practicing dentist, under general supervision." She said that would be one category. **Ms. McCue** said there was an important reason for that. It was the language "general supervision," that allows a hygienist to practice in the office when the dentist was not on the premises. She thought the dentists would still want that language in there referring to their practice in the office of the dentist.

SEN. GRIMES asked **Mr. Bohyer** if that was what the language did or if it needed some adjustment. **Mr. Bohyer** said the way he read the amendment it would say from line 13, page 1, "a licensed hygienist may, with the permission of the supervising dentist, practice in the office of a licensed and actively practicing dentist." **Ms. McCue** said it should go on to say "under general supervision" because they are two different things. "Permission of the supervisor" was too indirect. She was uncomfortable leaving subsection (b) in as a separate category because it appears as though a new category was being created.

SEN. GRIMES asked **Mr. Bohyer** if subsection (b) and the word "practice" needed to be stricken to accomplish what **Ms. McCue** presented with the amendments as they were given to him. He deferred to **Ms. McCue**.

SEN. GRIMES asked **Ms. Olson** what her understanding of that section was. **Ms. Olson** said she thought there were going to be two phrases there, both (a) and (b). Subsection (a) would begin "with the permission of the supervising dentist." Subsection (b), line 16, page 1 was to say "under the general supervision of a licensed dentist" striking the word practice in that line.

SEN. GRIMES asked if changing the amendment was possible or would it need to be redrafted.

SEN. GRIMES had **Mr. Bohyer** read back aloud how the changes would read. **Ms. McCue** made a few corrections, but there was still some confusion about what each person was proposing for changes.

SEN. GRIMES wanted to withdraw action because he wanted to make sure it was done right and asked **SEN. BOHLINGER** if he were comfortable with that.

Ms. McCue tried to restate in a more coherent way what needed to be said in amending lines 13 and 14 on page 1.

{Tape: 1; Side: A}

SEN. CROMLEY suggested striking all of line 13 except for "a licensed dental hygienist may."

SEN. GRIMES wondered how that section would read after that. **Mr. Bohyer** said the hygienists would still need the permission of the supervising dentists under public health supervision.

SEN. GRIMES repeated his thoughts on pulling the bill back in, in order to redraft the amendment. He suggested a recess for a few minutes so **Mr. Bohyer**, **Ms. McCue**, and **Ms. Olson** could get the language worked out.

SEN. BOHLINGER withdrew amendment SB019002.adb and moved for amendment SB019003.adb. The new amendment now had 13 changes to be made.

Mr. Bohyer noticed on SB091003.adb **EXHIBIT (phs29a02)** that number five on the amendment was backwards. Only "hospitals" was to be stricken and not the rest of the sentence. The rest of the sentence was to be reinserted.

Ms. Olson said with that insert, she accepted the new changes.

SEN. O'NEIL, SD 42, Columbia Falls, asked why "detention centers" was stricken. **SEN. BOHLINGER** said that from earlier testimony, it was because the Department of Corrections did not want it in the bill.

SEN. BOHLINGER moved to pass SB 190 as amended.

Mr. Bohyer asked to make changes without changing the intent in number five of the amendment in the committee report. **SEN. O'NEIL** agreed.

SEN. GRIMES said with respect to **SEN. BOHLINGER'S** bill and all the work done on this bill, he did not look favorably on turf expansions.

Motion/Vote: **SEN. O'NEIL** moved that **SB 190 DO PASS AS AMENDED.**
Motion carried 8-1 with SEN. GRIMES voting no.

{Tape: 1; Side: B}

ADJOURNMENT

Adjournment: 4:15 P.M.

SEN. JERRY O'NEIL, Chairman

ANDREA GUSTAFSON, Secretary

JO/AG

EXHIBIT (phs29aad)